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Subject: FW: Mexico Weapons Trafficking - The Blame Game

SBU
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From: SMART Core

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1. (SBU) Summary. The Mexican Government (GOM) has consistently focused the blame for weapons trafficking into Mexico squarely on the United States. Recent articles in Mexico City daily, El Universal, however, have called into question whether all the responsibility rests with the United States, or whether there is also more Mexico can do to combat this problem. It appears that Mexico may be just starting to realize that the answer to the arms trafficking problem requires confronting the challenge on both sides of the border. Nevertheless, the GOM still has substantial work to do and institutional barriers to overcome in order to effectively play its role in stopping the violence associated with the illicit weapons trade. End Summary.

Myth: An Iron Highway of Weapons Flows from the U.S.

2. (SBU) The Mexican Attorney General's office (PGR) is quick to report that since the start of the Calderon administration in December 2006, Mexico security forces have seized 83,566 weapons. The sheer magnitude of weapons, as well as the general acceptance that most come from U.S sources,

suggests that there is an "Iron Highway" of weapons streaming across the border in identifiable patterns that make interdiction easy. Rather, it appears there maybe thousands of small streams. To date, despite U.S. Customs and Border Protection's (CBP) use of the latest detection equipment and agents trained in a wide range of interdiction techniques, our best efforts have not produced massive seizures of weapons on the U.S. side of the border, although some important seizures have been effected and are being investigated. Most illicit weapons confiscated in Mexico are from various crime scenes, checkpoints, or DTO camps inside of Mexico - not at the border. CBP reports that since 2009, it and Mexican Customs has conducted coordinated operations at border crossings. Mexican Customs, however, is in the nascent stages of transitioning from a tariff collection entity to a law enforcement agency and lacks full statutory authority to perform at an equivalent level to its CBP counterparts. At present, Mexican Customs relies on other Mexican law enforcement agencies (SSP, PGR or SEDENA) to effect detentions and arrests of smugglers. Additionally, the scarcity of interdiction technology at many of the Mexican ports of entry result in significant inconsistencies along the border. This, as well as the dispersed and small nature of the seizures, suggest that interdiction is not as simple as plugging the suspected holes on the U.S. side of the border. But perhaps the biggest gap is a strong disincentive. In the United States the average sentence for arms trafficking is only 12 to 30 months for straight weapons trafficking crimes. For U.S. prosecutors, there is a bigger pay off from focusing on other crimes. For traffickers and straw purchasers, the combination of cost and risk still is not too high to bear.

3. (SBU) In order to address this issue, the GOM has worked through the Merida Initiative to identify the need for significant investment in non-intrusive inspection equipment at the border. NAS and CBP are working with their Mexican partners and identifying exchanges and training opportunities under the 21st century border pillar in order to strengthen interdiction coordination.

Myth: The DTOs Are Mostly Responsible

4. (SBU) While DTOs are the largest consumer of illegal fire arms in Mexico, they are not the primary trafficking agents of weapons going south from the United States. ATF officials assess that, instead, straw purchasers buy small quantities of weapons at pawn shops, gun shows, and fully licensed firearm dealers (FFL) in the United States, illegally transport one to five weapons across the border, and sell them independently to the DTOs. They do not work directly for the organized criminal groups. For example, ATF officers cite as an emblematic case the 54 firearms recovered at a Mexican Customs check point on March 22, 2009. Using e-Trace, ATF traced all firearms recovered to a licensed dealer in St. Madera, CA. Further investigation by ATF agents identified twelve Mexican citizens, legally residing in the United States, who trafficked these weapons and as many as 442 additional firearms to Mexico between 2005 and 2009. Separate individuals with links to organized crime in Oaxaca State had requested the weapons. The case demonstrates general trends in arms trafficking, including: 1) the lack of a single large seizure, but rather multiple small shipments over a long period of time; 2) weapons were bought legally in the United States; 3) the purchasers were Mexicans living legally in the United States; and 4) the individuals who made the purchases were not directly linked to the organized criminal group requesting the transfers.
5. (SBU) The Mexican Attorney General's Office (PGR) agrees that individuals or small groups, not the DTOs, are primarily responsible for most trafficking. This represents a shift from its earlier position. In April 2008, PGR officially stated in their Monthly Arms Trafficking Report that the DTOs had specific members in their organization dedicated to procuring and transporting weapons into Mexico. In the same report for April 2009, PGR assessed that DTOs did not control the arms trafficking networks, but relied on semi-autonomous individuals or small, independent organizations to buy weapons and sell them to the cartels. This allowed the DTOs a more flexible distribution network where they were not directly involved in the transactions.

Myth: Mexico Aggressively Investigating Weapons Confiscated

6. (SBU) According to PGR records, ten of the 15 commercial brands of weapons regularly confiscated in Mexico are manufactured and sold by U.S. companies. To date, however, the GOM has done little to investigate the origin of these weapons. As a result, the United States has largely been unable to open investigations domestically on un reputable dealers or smuggling organizations on the U.S. side of the border. To assist in these efforts, ATF has made several attempts to implement e-Trace weapons trafficking software in Mexico. In September 2009, PGR's Center for Information, Analysis, and Planning to Fight Crime (CENAPI) requested ten accounts and ten computers to access to e-Trace. The request followed a presentation at the Bilateral Weapons Trafficking Conference in Phoenix, AZ by ATF (Reftel) that discussed the benefits of e-Trace as a tool in developing investigations for weapons smuggling. In October 2009, ATF provided CENAPI with ten computers and five accounts, corresponding to the number of specific individuals identified as E-trace users.
7. (SBU) To date, PGR has restricted the rollout of additional accounts to other agencies in the GOM reducing its effectiveness as an investigative tool. The Mexican Attorney General told the Ambassador in a March 2010 meeting that he wants all Mexican federal and state law enforcement agencies to have e-Trace access, but the process nevertheless has been mired in an administrative tug-of-war for control and access to the tool. The Mexican Federal Police (SSP) has requested 70 accounts, and three state governments have requested a total of 300 accounts, but PGR has only given ATF permission to train - not provide - other institutions on e-Trace. PGR/CENAPI insists that it must maintain control of the tool and that they are capable of tracing all weapons confiscated in Mexico without distributing it more broadly.
8. (SBU) ATF, meanwhile, assesses that CENAPI does not have the personnel, nor the infrastructure to accommodate the volume of traces of confiscated weapons in Mexico. The Secretariat of National Defense (SEDENA) claims to have seized over 5,000 firearms since January 1, 2010. As of April 23, 2010, CENAPI has traced 513 firearms – only 10%. U.S. law enforcement officials state that in order for e-Trace to be effective, weapons data seized at crime scenes must be immediately entered into e-Trace so that the U.S. sellers are investigated and held accountable. ATF touts the May 2010 seizure of a weapons cache from a Zeta training camp as an example of how the system can be used successfully. As ATF was granted immediate access to the firearms, it was able to quickly trace the semi-automatic weapons to a purchase in Las Vegas only 39 days prior to being confiscated in Mexico. ATF opened an investigation and is tracking down the smugglers based on the information received from the FFL. ATF's ability to quickly perform the traces, rather than having to wait to go through CENAPI, contributed to its launching an immediate investigation in the case. The same can be said for granting vetted state and deployed local forces e-Trace access, which would allow for the kind of swift turnaround on traces that would be virtually impossible through a centralized CENAPI system. Recent negotiations for a memorandum of understanding between PGR and ATF on e-Trace usage may open the door, but ATF remains skeptical that PGR will allow universal access. [Note: PGR and SRE finally completed their review of the MOU on 25 June and we expect for it to be signed shortly. End Note]

Myth: Mexico Methodically Registers and Tracks Weapons

9. (SBU) While Mexico has a system in place for registering and tracking firearms, no central database exists and the GOM lacks an automated ability to track ownership. SEDENA is solely responsible for the import and distribution of legal firearms in Mexico. Moreover, U.S. law enforcement officers say that an individual can register a legal weapon with SEDENA without having to submit to a background investigation or having to provide information on how it was purchased. To remedy this, the GOM plans to eventually register all weapons in Mexico in Plataforma Mexico, SSP's comprehensive crime database, accessible to vetted federal and state law enforcement officers. Plataforma Mexico has yet to receive data from e-Trace due to institutional rivalries (the Federal Police controls Plataforma Mexico but does not have e-Trace access)

Myth: The GOM Justice System is Tough on Violators of Gun Laws.

10. (SBU) Mexican gun ownership laws as written are quite strict compared to U.S. laws. They prohibit personal ownership of rifles or shot guns greater than .22 caliber and pistols greater than .38 caliber. Additional restrictions apply to automatic weapons, various classes of revolvers, and semi-automatic pistols. Furthermore, owning more than two hand-guns and ten long guns is prohibited. U.S. law enforcement experts indicate that the stricter gun control laws should allow for more prosecutions and stiffer penalties for criminals involved in weapons trafficking. Little data is available, however, on the prosecution and sentencing of individuals involved with illegally possessing or trafficking a firearm. The case of Gregorio Salgado Lopez is a key example of how the Mexican justice system struggles to detain and prosecute egregious cases of firearms possession or trafficking. In March 2009 Salgado was arrested at a checkpoint in San Emerterio for possessing 55 disassembled firearms. ATF discovered the case through local press. Through its own investigation, ATF determined that Salgado was part of larger ring of smugglers. Although the magnitude of weapons alone should have been enough to bring him to trial and obtain a conviction, by the time ATF presented the additional information to the PGR, Salgado had already been released without a trial.
11. (SBU) Comment: Mexico understands that stopping the flow of illegal weapons into the country is paramount to achieving long-term success in the counternarcotics fight. Calderon made this a central theme of his address to the U.S. Congress. The responsibility does not lie solely on the northern side of the border. Just as demand fuels the flow of drugs north, it also drives the flow weapons south. With a combined operational effort, shared information, sustained investigations, and more prosecutions with serious sentences in the U.S. our relationship will be strengthened as we work together to cease the flow of weapons south. The first step will be to implement e-Trace across the board in Mexico and to train operators in its use as an investigative tool. This common platform will provide the springboard from which further investigative and judicial collaboration can occur. But if we cannot prosecute straw purchasers and traffickers in the United States, and put them in jail with serious sentences, then the trafficking will continue. There is too much money to be made, and it will not stop until there is a tough price to be paid in U.S. jails. End comment.

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